Remarks

35 U.S.C. 101 Double-Patenting

Claim 1 stands rejected over claim 38 of U.S. Patent no. 6,509,013. Claim 1 has been amended to now incorporate the "crosslinked by epichlorohydrin" feature from claim 2. It is submitted that the rejection has thus been obviated.

Obviousness-type Double-Patenting

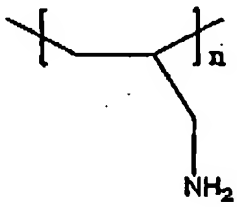
Claims 1-15 stand rejected for obviousness-type double patenting in view of claim 38 of U.S. Patent no. 6,509,013. This rejection has been overcome by the submission of a terminal disclaimer referencing U.S. Patent no. 6,509,013.

Other Cited Art

The Applicants agree that the Miller patent, US 6,500,527 does not provide any basis for rejecting any of the claims of this application.

Claim Amendments under 37 C.F.R. § 1.121

1. (Currently amended) A pharmaceutical composition comprising a carrier and a crosslinked, water insoluble polyallylamine homopolymer, wherein said polyallylamine homopolymer comprises repeat units represented by the structural formula:



wherein n is an integer, wherein said polyallylamine homopolymer is crosslinked with an epichlorohydrin crosslinking agent, and wherein the homopolymer is fully protonated, partially protonated or unprotonated.

2. (Cancelled)

3. (Currently amended) The pharmaceutical composition of Claim [2] 1, wherein the amount of said crosslinking agent is about 2% to about 20% by weight of the polymer.

4. (Original) The pharmaceutical composition of Claim 1, wherein said polyallylamine homopolymer is fully or partially protonated.

5. (Original) The pharmaceutical composition of Claim 4, wherein said polyallylamine homopolymer is protonated with HC1.

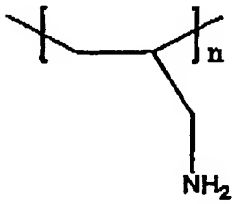
6. (Original) The pharmaceutical composition of Claim 5, wherein said polyallylamine homopolymer is partially protonated.

7. (Original) The pharmaceutical composition of Claim 1, wherein said pharmaceutical composition consists essentially of one or more carriers and said polyallylamine homopolymer.

8. (Original) The pharmaceutical composition of Claim 1, wherein said pharmaceutical composition consists of one or more carriers and said polyallylamine homopolymer.

9. (Original) The pharmaceutical composition of Claim 1, wherein said pharmaceutical composition is in the form of a tablet or a capsule.

10. (Original) A method for removing phosphate from a patient, comprising orally administering to said patient a therapeutically effective amount of a composition comprising a crosslinked, water insoluble polyallylamine homopolymer, wherein said polyallylamine homopolymer comprises repeat units represented by the structural formula:



wherein n is an integer, and wherein the homopolymer is fully protonated, partially protonated or unprotonated.

11. (Original) The method of Claim 10, wherein said polyallylamine homopolymer is crosslinked with an epichlorohydrin crosslinking agent.

12. (Original) The method of Claim 11, wherein the amount of said crosslinking agent is about 2% to about 20% by weight of the polymer.

13. (Original) The method of Claim 10, wherein said polyallylamine homopolymer is fully or partially protonated.

14. (Original) The method of Claim 13, wherein said polyallylamine homopolymer is protonated with HCl.

15. (Original) The method of Claim 14, wherein said polyallylamine homopolymer is partially protonated.

Conclusion

If there are any additional charges, or any credits, please apply them to Deposit Account No. 07-1074.

Respectfully submitted,

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Date

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